

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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XIAOYE BAI,

Plaintiff,

v.

CALVIN JOHNSON, *et al.*,

Defendants.

Case No.: 2:20-cv-02192-RFB-EJY

ORDER

Pending before the Court is Defendants' Motion for Leave to File Plaintiff's Medical Records Under Seal. ECF No. 115. Defendants state that "[t]he Medical Records (Exhibit A) being submitted to the Court are found in Plaintiff's medical file and are reasonably related to Plaintiff's medical care." *Id.* at 2.¹ Defendants further state that the medical records "are being submitted to allow the Court to gauge the veracity of the parties' claims concerning compliance with this Court's orders (most recently ECF No. 111)." *Id.*

As the party seeking to seal a judicial record, Defendants must meet their burden of overcoming the strong presumption in favor of access and public policies favoring disclosure. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that "compelling reasons" support secrecy). The mere fact that the production of records may lead to a party's embarrassment, incrimination, or exposure to further litigation will not alone compel the court to seal its records. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003). Importantly, medical privacy also meets the compelling reason standard. *See, e.g., San Ramon Regional Med. Ctr., Inc. v. Principal Life Ins. Co.*, 2011 WL 89931, at *n.1 (N.D. Cal. Jan. 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, 2010 WL 4715793, at **1-2 (D.HI. Nov. 15, 2010); *G. v. Hawaii*, 2010 WL 267483, at **1-2 (D. HI. June 25, 2010); *Wilkins v.*

¹ Defendants submitted the instant medical records under seal at ECF No. 116-1.

1 *Ahern*, 2010 WL 3755654 (N.D. Cal. Sept. 24, 2010); *Lombardi v. Tri West Healthcare Alliance*
2 *Corp.*, 2009 WL 1212170, at *1 (D. Ariz. May 4, 2009).

3 The Court considered the Motion and the documents sought to be sealed. The Court finds
4 Exhibit A in support of Defendants' Response to Plaintiff's Updated Notice to the Court Regarding
5 Compliance With Court Order (ECF No. 112) contains medical records that are properly sealed.

6 Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for Leave to File
7 Plaintiff's Medical Records Under Seal (ECF No. 115) is GRANTED.

8 IT IS FURTHER ORDERED that Exhibit A (ECF No. 116-1) in support of Defendants'
9 Response to Plaintiff's Updated Notice to the Court Regarding Compliance With Court Order (ECF
10 No. 112) shall remain sealed.

11 DATED this 26th day of January, 2023.

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13 ELAYNA J. YOUCHAK
14 UNITED STATES MAGISTRATE JUDGE
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